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*Attorney for Plaintiff*

IN THE UNITED STATES DISTRICT COURT FOR THE  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

PACIFIC CENTURY INTERNATIONAL, )  
 LTD, )  
 Plaintiff, )  
 v. )  
 DOES 1-129, )  
 Defendants. )

**No. C-11-03681 HRL**

**NOTICE OF VOLUNTARY DISMISSAL  
 OF ACTION WITHOUT PREJUDICE  
 AS TO ANONYMOUS DOE DEFENDANT  
 [PROPOSED] ORDER**

**NOTICE OF VOLUNTARY DISMISSAL OF ACTION WITHOUT PREJUDICE AS TO  
 ANONYMOUS DOE DEFENDANT**

**NOTICE IS HEREBY GIVEN** that, pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiff voluntarily dismisses all claims without prejudice brought in this action against a single anonymous Doe Defendant associated with the Internet Protocol (“IP”) address 69.181.183.27. As noted on Exhibit A to Plaintiff’s Complaint, this IP address was issued by Comcast Cable Communications, and Doe Defendant was personally observed by Plaintiff’s agents using these IP addresses in this particular swarm in this case unlawfully infringing Plaintiff’s copyrighted works in May of 2011.<sup>1</sup> Further, from other information gained from Plaintiff’s agents’ proprietary

<sup>1</sup> This of course, is not the only time Doe Defendant was in the swarm, but rather the only time personally observed and his or her available information captured by Plaintiff’s agents’ proprietary technology.

1 technology and general research, this Doe Defendant appears to have not only infringed upon  
2 Plaintiff's copyrighted works, but also used other IP addresses to infringe upon the works of separate  
3 and distinct copyright holder(s) in at least one other case in the Northern District of California. (*See*  
4 *AF Holdings LLC v. Does 1-135*, Case No. 11-CV-03336, ECF Nos. 17 and 18 [using multiple  
5 addresses while in same swarm in that case]). Considering the volatile nature of this District, and in  
6 light of the egregious infringements committed by this serial pirate, Plaintiff hereby chooses to  
7 dismiss Doe Defendant associated with IP address 69.181.183.27 *without prejudice* to pursue that  
8 individual together with the other parties in a consolidated lawsuit focus on this single individual and  
9 his or her multiple IP addresses.

11 Consequently, in light of the above, the motion currently pending in this case – Motion of  
12 Nonparty to Quash or Vacate Subpoena (ECF No. 14) – that is associated directly with this Doe  
13 Defendant and IP addresses 69.181.183.27, is hereby moot, and should be denied by the Court on  
14 such grounds. Likewise, obviates any response from Plaintiff or a hearing on this motion.

16 In accordance with Federal Rule of Civil Procedure 41(a)(1), the Doe Defendant has neither  
17 filed an answer to Plaintiff's Complaint, nor a motion for summary judgment. Dismissal under  
18 Federal Rule of Civil Procedure 41(a)(1) is therefore appropriate. Inclusive of this dismissal, Doe  
19 Defendant has hereby been dismissed from this action without prejudice, and, again, his or her  
20 Motion of Nonparty to Quash or Vacate Subpoena (ECF No. 14) should hereby be denied as moot as  
21 his or her associated IP addresses are no longer part of this suit and the subpoenas are no longer  
22 active.

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1 Plaintiff still maintains claims against the other anonymous Doe Defendant(s) remaining in  
2 this action, and reserves the right to name such individuals and/or serve them when in possession of  
3 their identifying information in this case.

4 Respectfully Submitted,  
5

6  
7 STEELE HANSMEIER PLLC,

8 **DATED: September 29, 2011**

9 By: /s/ Brett L. Gibbs, Esq.

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12 38 Miller Avenue, #263  
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14 *Attorney for Plaintiff*

15 **[PROPOSED] ORDER**

16 In light of the above, Doe Defendant associated with IP address 69.181.183.27 is hereby  
17 DISMISSED from this case without prejudice, and, therefore is no longer part of this suit.  
18 Additionally, his or her Motion of Nonparty to Quash or Vacate Subpoena (ECF No. 14) are  
19 DENIED as the issues raised therein are now MOOT.  
20

21 Further, it is ORDERED that Plaintiff serve copies of this Order onto the relevant ISPs.

22 This Order disposes of Docket Nos. 14.

23 **IT IS SO ORDERED.**  
24

25 Dated: \_\_\_\_\_

26 \_\_\_\_\_  
27 Howard R. Lloyd  
28 United States District Court Judge

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on September 29, 2011, all individuals of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document, and all attachments and related documents, using the Court's ECF system, in compliance with Local Rule 5-6 and General Order 45.

/s/ Brett L. Gibbs  
Brett L. Gibbs, Esq.